

**STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S  
REPUBLIC OF CHINA**

<b>CCPIT Patent and Trademark Law Office</b> <b>8th Floor, 2 Fuchengmenwai Street,</b> <b>Beijing 100037, China</b> <b>WANG YONGGANG</b>		Date of Notification: Day: <u>22</u> Month: <u>01</u> Year: <u>2010</u>
Application No. or Patent No.:	<u>200480018356.2</u>	
Applicant or Patentee:	<u>SENSFAB PTE LTD</u>	
Title of the Invention-Creation:	<u>FABRICATION OF SILICON MICROPHONES</u>	

**Notification of the First Office Action  
(PCT Application in the National Phase)**

1. ☒ The SIPO conducts substantive examination on the application upon request of the applicant according to the provision of Article 35 paragraph 1 of the Patent Law.  
☐ The SIPO has decided to examine the application on its own initiative under Article 35 paragraph 2 of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):  
 filed in SG on May. 26, 2003, filed in \_\_\_\_\_ on \_\_\_\_\_,  
 filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
 filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_.
3. ☐ After examination, the amended documents submitted on \_\_\_\_\_ do not comply with Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law, and thus cannot be accepted.
4. ☒ Examination was directed to the Chinese version or the Chinese translation of the International Application as originally filed.  
☐ Examination was directed to the application documents as specified below:
5. ☐ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or filing date of the conflicting application)

**6. Conclusions of the Action:**

- ☐ On the Description:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
  - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
  - ☐ The description does not comply with Article 33 of the Patent Law.
  - ☐ The draft of the description does not comply with Rule 17 of the Implementing Regulations.
- ☒ On the Claims:
- ☐ Claim(s) does/do not comply with Article 2 paragraph 2 of the Patent Law.
  - ☐ Claim(s) does/do not comply with Article 9 paragraph 1 of the Patent Law.
  - ☐ Claim(s) does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
  - ☐ Claim(s) does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.

210402 For application in written form, the corresponding documents shall be sent to: the Patent Reexamination Board of SIPO, 6 Xi Tu Cheng Lu, Haidian, Beijing, 100088

2010.2 For application in electronic form, the corresponding documents shall be submitted in the form of electronic documents through the electronic patent application system. The corresponding documents submitted in other form than electronic documents shall be deemed not to have been submitted unless otherwise provided.

☐ Claim(s) does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.

☐ Claim(s) is/are not patentable under Article 25 of the Patent Law.

☐ Claim(s) does/do not comply with Article 26 paragraph 4 of the Patent Law.

☐ Claim(s) does/do not comply with Article 31 paragraph 1 of the Patent Law.

☐ Claim(s) does/do not comply with Article 33 of the Patent Law.

☐ Claim(s) does/do not comply with the provisions of Rule 19 of the Implementing Regulations.

☒ Claim(s) 1, 6, 8, 24, 25 does/do not comply with the provisions of Rule 20 of the Implementing Regulations.

☐ Claim(s) does/do not comply with the provisions of Rule 21 of the Implementing Regulations.

☐ Claim(s) does/do not comply with the provisions of Rule 22 of the Implementing Regulations.

☐ Claims 6-12, 14-15, 17-20 do not comply with the provisions of Rule 23 of the Implementing Regulations.

☐ The application does not comply with Article 26 paragraph 5 of the Patent Law or Rule 26 of the Implementing Regulations.

☒ The application does not comply with Article 20 paragraph 1 of the Patent Law.

☐ The divisional application does/do not comply with Rule 43 paragraph 1 of the Implementing Regulations.

Please refer to the text portion of the Office Action for details.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

☐ The applicant should make amendments as directed in the text portion of the Notification.

☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.

☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

☐

8. The followings should be taken into consideration by the applicant in making the response:

(1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.

(2) Any amendments to the application may not go beyond the scope of the disclosure contained in the initial description and claims, as prescribed by Article 33 of the Patent Law, and should be made as required by the Notification, as prescribed by Rule 51 paragraph 3 of the Implementing Regulations.

(3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.

(4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 2 pages and the following attachments:

☐ 0 cited reference(s), totaling 0 pages.

☐

Examiner: Wang Peng

Telephone No.:

Examination Dept.

Patent Examination

Cooperation Center of SIPO

Seal of the Examination

Department

## **Text Portion of the Notification of the First Office Action**

The present application relates to a method of manufacturing a silicon microphone. After examination, the comments are presented as follows.

1. Claim 1 is unclear, and thus does not comply with Rule 20.1 of the IRCPL. Detailed reasons are as follows:

Claim 1 recites "further including the step of etching the oxide layer of the first wafer from at least the back of a diaphragm during manufacturing of the silicon microphone", but does not mention how the diaphragm is obtained, and what relationship exists between the diaphragm and other layers such as the wafers, and it is also unclear what sequential relationship there are between said step and other steps in the whole manufacturing process. Consequently, the protection scope of claim 1 can not be precisely determined, which is not in conformity with Rule 20.1 of the IRCPL.

2. Claim 6 is unclear, and thus does not comply with Rule 20.1 of the IRCPL. Detailed reasons are as follows:

Claim 6 recites "forming an oxide layer on both major surfaces of both wafers", but the cited claim 1 mentions two wafers, each having two major surfaces, so according to the recitation of the claim 6. Therefore, those skilled in the art are unclear whether "both major surfaces of both wafers" refers to both major surfaces of each wafer, or it refers to altogether two major surfaces of the two wafers. Therefore, the protection scope of claim 2 can not be precisely determined, which is not in conformity with Rule 20.1 of the IRCPL.

3. Claim 8 is unclear, and thus does not comply with Rule 20.1 of the IRCPL. Detailed reasons are as follows:

Claim 8 mentions "any other suitable method", but those skilled in the art are unclear what method is a "suitable" method. Therefore, the protection scope of claim 8 can not be precisely determined, which is not in conformity with Rule 20.1 of the IRCPL.

4. Claim 24 is unclear, and thus does not comply with Rule 20.1 of the IRCPL. Detailed reasons are as follows:

Claim 24 mentions "the separation step", but the cited claim 23 merely recites "the cover metal portions are separated from metal surrounding the acoustic holes", without mentioning "a separation step". Therefore, "the separation step" lacks a basis for reference. Consequently, the protection scope of claim 24 can not be precisely determined, which is not in conformity with Rule 20.1 of the IRCPL.

5. Claim 25 is unclear, and thus does not comply with Rule 20.1 of the IRCPL. Detailed reasons are as follows:

Claim 25 is defined by a manufacturing method. However, it is hard for those skilled in the art to determine what structural features the silicon microphone has based on the claim defined by said method. Therefore, the protection scope of claim 25 can not be precisely determined, which is not in conformity with Rule 20.1 of the IRCPL.

6. Dependent claims 6-12, 14-15 and 17-20 are multiple dependent claims, but refer to the preceding multiple dependent claims, and thus do not comply with Rule 23.2 of the IRCPL. The applicant should amend the reference relation between these claims.

For the above reasons, the present application is unpatentable in the current version. If the applicant amends the application document according to the comments in this notification to overcome the existing defects, the present application will have patentable prospect. As stipulated in Article 33 of the CPL, the amendments to the application documents shall not go beyond the disclosure of the original description and claims.

The examiner: Wang Peng

Code: 951T